

# Michigan District Judges Association



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December 2, 2013

Senator Michael Kowall  
305 Farnum Building  
P.O. Box 30036  
Lansing, MI 48909-7536

Re: SB 679

Dear Senator Kowall:

On November 22, 2013, the Michigan District Judges Association Board reviewed SB 679 which was referred to the Economic Development Committee.

As you know, we do not object to increased regulation of the scrap metal industry. However, we do have some concerns about the language in SB 679 that creates a rebuttable presumption that a defendant charged with larceny of metal did not have the owner's permission to take the metal under certain circumstances. This rebuttable presumption shifts the initial burden of proof from the prosecution to the defense for this element of the crime.

We oppose this bill because we do not agree that the burden of proving intent should be shifted to the defendant via rebuttable presumption.

Please feel free to contact me at [kellyw@ci.kentwood.mi.us](mailto:kellyw@ci.kentwood.mi.us) or at (616) 554-0717 if you wish to discuss this bill further.

Respectfully submitted,

William G. Kelly, Co-Chair  
Legislative Committee  
Michigan District Judges Association